(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 61 OF 2000

IN THE MATTER OF:

PETITIIONERS:

1. M/S SHRI RANI SATI GRANITE COMPANY, a partnership firm duly registered under the relevant provisions of Indian Partnership Act, 1932, having its principal place of business near Gurudwara, Manendragarh, District Korea (Chhattisgarh)

2. SHRI RAM GOPAL KHEDIA, aged 56 years, son of Late Shri Chunnilal Khedia, Partner M/S Shri Rani Sati Granite Company, resident of Mandendragarh, District Korea, (Chhattisgarh)

VERSUS

RESPONDENTS :

1. THE STATE OF CHHATTISGARH, Through the Secretary to the Government of Chhattisgarh, Water Resources Department, Dau Kalyan Singh Bhavan, G.E.Road, Raipur (Chhattisgarh)

2. THE CHIEF ENGINEER, Hasdeo Kachar, Water Resources Department Bilaspur (Chhattisgarh)

3. THE SUPERINTENDING ENGINEER, Water Resources Division, Shyam Barnia Project Division Ambikapur District Surguja (Chhattisgarh)

4. THE EXECUTIVE ENGINEER, Water Resource Division, Surajpur, District Surguja (Chhattisgarh)

5. SHRI LAL BABU SINGH, A-5 Category Contractor, Kedarpur, Ambikapur District Surguja (Chhattisgarh)

R. No. 65/m Presented by Shri Mehfuz Ahmed dated 29/11

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS CERTIORARI, PROHIBITION ETC. ETC. AND/OR FOR ORDER (S) AND/OR DIRECTION(S) IN THE NATURE OF WRITS.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

305

मामला क्रमांक W.P. 61/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23.11.2001 :	

Shri Y.K.Munshi learned counsel with Shri B.P.Sharma for the petitioners.

Shri Prashant Mishra learned counsel for respondent no.5.

Heard.

This petition has been filed by the petitioner on the ground that the respondent no.5 has been wrongly held to be a qualified tenderor for the construction of left and right flank of Parashurampur tank.

Counsel for the respondents 1 to 4 and also counsel for respondent no.5 on the other hand submit that they fulfill all the requirements mentioned in the tender.

During the course of argument counsel for the parties have pointed-out that pursuant to the interim direction, the work order has not been issued but the other formalities have been completed.

contd.....2

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	Via media is suggested by the parties for consideration in the interest of revenue and progress and speedy completion of work. Heard all the parties on this via media. Shri Munshi learned counsel appearing for the petitioner submitted that so far as the present petitioner is concerned, he is willing to work at the same rate which has been offered by the respondent no.5. Counsel for the respondent no.5 on the other hand submitted that his client is further ready to lower down the rate for the advantage of the revenue of the State. In view of the ~~rival~~ contentions raised by the counsel for the respective parties, it will be just and proper and also desirable in the interest of the revenue of the State that the contract may be given by negotiation. Such negotiation as agreed by the parties, be made by Engineer-in-chief, Water Resources Department, State of Chhattisgarh. —3	

पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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Having thus considered the facts and circumstances of the case, we find it just and desirable in the interest of revenue that the matter may be dealt-with by the Engineer-in-chief and both the parties i.e. petitioner and the respondent no.5 shall be allowed to participate in the negotiation.

Subject to the observations made above this petition is disposed of at this stage.

Interim order passed earlier stands vacated.

Certified copy.

Sd/-
Fakhruddin
Judge

Sd/-
Chief Justice